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SPEECH

OF

HON. D. S. KAUFMAN, OF TEXAS,

ON

THE SLAVERY QUESTION AND ITS ADJUSTMENT.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, MONDAY, JUNE 10, 1850.

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THE SLAVERY QUESTION AND ITS ADJUSTMENT.

The Message of the President, transmitting the Constitution of California, being under consideration in Committee of the Whole on the state of the Union—

Mr. KAUFMAN said:

Mr. CHAIRMAN; The protracted discussion of the question of admitting California as a State of this Union, embracing in its range the whole subject of slavery, and running through more than six months of this exciting session, has been ordered by the House to terminate to-morrow. I should have addressed the committee at an earlier stage of this long, interesting, and able debate, but for the great difficulty, amongst so many members, of obtaining the floor, and for the fact that the extraordinary amount of private business intrusted to me by my constituents has frequently compelled an absence from the House, when, perhaps, if present, I might have succeeded in obtaining it. I am, indeed, happy to be able to enter the political field even at this "the eleventh hour," although compelled to occupy the humble attitude of a mere "gleaner after the reapers" who have gone before me. If I have had no agency then in lashing the billows into their present tempestuous commotion, I can the better enter upon and enjoy the more grateful task of pouring oil on the troubled waters, and of assuaging the fierce animosities which sectional rivalries and angry debate have engendered.

As you are aware, Mr. Chairman, I am a member of the Committee on Territories, (an important committee in this fearful crisis;) and as one of the *nine* composing that committee, I propose to express my views on the subject of slavery, which now engrosses the attention of the Congress and people of the United States. I feel it peculiarly my duty to explain these views, because "a custom more honored in the breach than the observance" has lately sprung up, of instructing that committeee, *nolens volens*, to report to this House certain bills of a dangerous character, without any respect to the sentiments of the committee as to their constitutionality, expediency, or to their effect upon the harmony or perpetuity of the Union. A certain gentleman from Ohio [Mr. ROOT] has made himself rather notorious for this mode of assault upon the constitutional rights and honor of the South—a notoriousness which I trust will secure for him the condemnation of every true lover of our happy form of Government. He styles it, I believe, or at least one of his coadjutors in this unhallowed work at the other end of the Capitol styles it, compelling the members "to face the music!" The expression could not fail to remind those who heard it of Nero, the most infamous of the Roman Emperors, whom history "has damned to everlasting fame," by the record that he sung while Rome was burning. And here, sir, in this mighty Capitol of modern freedom and constitutional liberty, we have introduced, from time, to time, propositions which, if carried into effect would burn this Government to very cinders; and we of the South are told, with mingled sorrow and indignation depicted upon our countenances on account of the stab at our rights, and at the very existence of that Union which we hold near and dear to our hearts, that it is merely for the purpose of making gentlemen "face the music!" Resolutions are passed by State Legislatures of the North, insulting to the feelings and derogatory to the character of the South; they are introduced before both branches of Congress; and when they are denounced in becoming terms, one of the agitators gets up and says that "these resolutions are very harmless things after all—merely gotten up for electioneering purposes at home, to secure perhaps the election of a United States Senator," or, I might add, a return of their authors to those places which they have already done themselves no credit in filling. And so, according to this precious confession—"I thank thee, Jew, for the word"—the South is to be made a mere foot-ball for some of the place-hunting demagogues of the North, and to the treason thus practiced towards the Union is not to be conceded even the merit of *sincerity*. That this noble governmental fabric should be overthrown by *sincere* fanatics would be an awful fate; but that it should become the victim of *heartless* hypocrites is not for a moment to be endured!

As a member of the Committee on Territories, I here take occasion to say—and I say it with mature deliberation—that you may pass your resolutions of instruction to that committee, but when you ask me to violate the Constitution of my country, or to degrade the gallant people who have honored me with a seat upon this floor, I, for one, will not obey. A power greater than any possessed by this House will be necessary to coerce from me a stab at the vitals of the country and her

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Constitution, or an outrage upon the feelings of any portion of the people, however small, of this Confederacy. No, sir; if the majority wish to consummate their unjust designs in regard to the Territories of the United States, by fastening on them the Wilmot proviso, or other odious restriction, they must prepare the means themselves, or employ other instrumentalities or committees than those over which I can exercise any control.

The times, Mr. Chairman, are indeed sadly out of joint. In the midst of peace, prosperity, and unrivaled greatness, we are discussing the value of the Union and the probabilities of its dissolution. While the people of Europe, guided by the great "Northern Light" of the American continent, are struggling to break the shackles of despotism, and restore to man his long-lost birthright, we are absolutely engaged in a war against our own Government, the only free Government upon earth! Every subject of congressional action and legislative deliberation is drawn into the great and dangerous maelstrom of African slavery. It is the Aaron's serpent, which threatens to swallow up, not merely magicians' wands, but the hopes and aspirations of a free people.

I am not unmindful, sir, of the circumstances which surround me, nor of the dangers which threaten our beloved country. A Representative of Texas, I feel peculiarly solicitous about the result of the unnatural struggle now existing between brothers of the same great political family. The annexation of Texas caused the war with Mexico, on account of the unjustifiable conduct of Mexico; the war secured new and valuable territories, and those territories have created the alienation and distrust which now shake the columns of this proud Confederacy. But Texas, in embracing the terms of annexation, brought with her the deepest affection and sincerest love for this Union. England and Mexico proffered her peace and independence if she would remain out of its pale, and France stood ready to enforce the guaranty; but Texas, with rare unanimity, rejected the tempting boon. The voice of our father-land had spoken, and it was responded to with filial and instinctive love. You invited us to the family-board, and we came, we trust, not unwelcome guests. And now, in this early day of our common difficulties and common dangers, I ask you "to come and let us reason together," and if the voice of Texas can contribute the smallest mite towards the reconciliation of the unfortunate misunderstandings existing in our once-happy family circle, how proud will she feel at so gratifying a result.

In the remarks which I shall make, I shall not address myself to the prominent agitators in the unholy crusade against the South, to those creatures who, when the self-sacrificing Genius of Patriotism is endeavoring to pour oil on the waters of strife, lift up their hands to stop her in her heavenly and beneficent act. They have committed the unpardonable sin--they are beyond the hope of redemption. The eloquence of a Demosthenes or a Cicero would be lost upon them. The arrows of truth, winged by the most logical archer, would fall *tela imbellia*, blunted from their impenetrable bucklers. If they are sincere, they are fanatics, and fanaticism "hath eyes and it sees not; it hath ears and it hears not." If they are not sincere, they are *hypocrites*, and hypocrisy is proof against all the generous teachings and honorable emotions which animate the bosom of the patriot!

Now, Mr. Chairman, what is the cause of our present difficulties?—I ask in sorrow, not in anger. I speak in no spirit of crimination. Did our troubles originate with the North or the South? Has the South encroached upon the rights of the North? Never! She has not the power, if she had the will. Has the North encroached upon the South? and does she still further seek to encroach upon her? So the South says and believes. How? By the past action of Congress in regard to the Territory of Louisiana when Missouri applied for admission into the Union, and by the present attempts to make odious discriminations in regard to the Territories acquired from Mexico, which Territories are alike the property of all the States of the Union, and for the acquisition of which southern commingled with northern blood, and southern contributed with northern treasure. *You would permit the citizens of the northern States to go to all the Territories of the Union* WITH ALL THEIR PROPERTY, *while you would deny that privilege to the citizens of southern States!* You thus not only violate every principle of justice and equality, but you disregard an express provision of the Constitution, which declares that—

"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." Art. 4, sec. 2.

You of the North, however, say that slavery is an evil, a curse. Suppose it were admitted by you to be a blessing, or that the South had a species of property which was useful and beneficial, that did not exist in the North, could you then constitutionally exclude her people from taking such property to the territories? You must of course answer no! So your legislation preventing slavery from going into the Territories is predicated upon the fact of its being in your opinion an evil. But you have no right to judge for us—*we own the territory as much as you do, and have as good a right to enjoy it in our way, as you have in yours!* Your argument proves too much. The only honest and legitimate deduction from such an argument is a dissolution of the Union! If you feel yourselves contaminated by an association with the South, you ought at once, as honest men, to seek its termination. I prefer the ethics and logic of a Garrison to those of a Seward. If the Constitution, as the former contends, is "a league with death, and a covenant with Hell" tear your names at once from the bond, and scatter its fragments to the winds of heaven. Do not, like the latter, pretend to support the Constitution, while at the same time you only obey a portion of its provisions, and justify your disregard of the balance of it by a mock devotion to "a higher law," or to the behests of an elastic and self-constituted *conscience*.

But again: you say, slavery degrades free labor; and we in return have said, if you think so, *divide the territory*. Let there be no dispute, says the South to the North, "between me and thee, for we be brethren." We have repeatedly offered to give you, and to day renew the offer, the lion's share of the territories, and to remain south of a line (the Missouri compromise line of 36° 30′ north latitude) which northern encroachment fixed as our limit in the Louisiana Territory in 1820, and which the South unfortunately then submitted

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to, because she had not the force or power successfully to oppose it. But this division you have again and again refused, and you have the numbers in this House to sustain you. The South is in a powerless minority, and she solemnly appeals to you to do her justice, naked justice, regardless of every other consideration. Will you do it? I shall indulge the hope, as I always have done, that eventually you will. The very power you possess ought to be a guaranty to the South of her full rights. The strong can afford at least to be just, if not generous. Self-respect will not permit them to trample upon the rights of the weak.

Are you afraid of the competition of the South in colonizing the Territories of the Union? Surely your pride and generous emulation would not permit you to acknowledge that fear if you felt it. But if any of you should have such fears, are they not idle? Are not thousands and tens of thousands continually coming to our shores from all quarters of the world, imbued with anti-slavery principles? And with this astonishing accession to northern numbers, and your majority of fifty votes upon this floor, that majority destined to be increased under the operation of the census bill passed at this session of Congress,—is it just or fair to the weaker South to fetter her limbs by legislative restrictions, when so many other obstacles are thrown in the way of her extension, with those institutions which interest, affection, and self-preservation, all combine to compel her to sustain?

The popular cry, however, at the North has been, "The country came to us free and it should remain free." Neither the statement nor the conclusion is correct. Was not the system of white or *peon* slavery established there when these territories were acquired? And do you contend that *peonage* still remains there or ought to remain there, because there our acquisition found it? If not, why not? Do you answer, because it is inconsistent with the Constitution of the United States? But I reply, that African slavery is not inconsistent with that Constitution. It is an essential element of our National Government. Slaves are the only property recognized by our Federal Constitution—they are the only property *represented* in this body. A dignity and character was given to this species of property by the men of the Revolution, which was denied to every other, but now it is to be put under the ban!

I am very well aware, Mr. Chairman, that while the South would not have consented to form our Constitution without slavery had been recognized and guarantied, yet that the North would not have tolerated the representation of slave property if they had not been assured that they were receiving a full pecuniary compensation for that representation. It will strike the reader of Madison's Notes of the Debates of the Federal Convention, that New Hampshire objected to the number of members proposed to be allowed her in this body, and absolutely demanded that her number should be diminished, which was done. Why was this? It will be found in this provision of the United States Constitution: "Representatives and *direct* '*taxes* shall be apportioned among the several 'States which may be included within this Union, 'according to their respective numbers, which 'shall be determined by adding to the whole num-'ber of *free* persons, including those bound to 'service for a term of years, and excluding Indians not taxed, *three fifths of all other persons.*"—Article 1, Section 2. In those early days of our Government and of free trade, it was supposed that direct taxation would be the principal mode of supplying our coffers. And it is interesting to examine the low and moderate tariffs in the early history of our Government, when manufactures needed not only protection, but existence; averaging, where they were laid *ad valorem*, only from five to fifteen per cent—compared with those which now exist, when manufactures have arrived to their present state of perfection. Thus New Hampshire, by lessening the number of members or representatives on this floor, would have less direct taxes to pay; and the South, by having three fifths of their slaves represented, would have the more to pay. And such was the fact in the first half of our national existence; direct taxes having been laid at different times until the termination of the second war with Great Britain. But the policy of direct taxation has now ceased, and the change has been principally produced by northern power and northern votes. The system of direct taxation has fallen into total disuse by the General Government, and a tariff system substituted in its stead. The protection of northern manufactures, under the tariff system, is more than an equivalent for the increase of direct taxes on the slaveholding States by the other system, and a much heavier burden on the South than they would have to pay if direct taxation continued to prevail. At any rate, the North has the power at any time to restore the old constitutional system of direct taxation, and thus receive the consideration yielded by the South for the representation of their slave property. But as the North receives more by the protection of their manufactures, and the South loses more by that system than the other, there is little probability of ever again resorting to direct taxation and free trade. As the South, however, under the tariff, pays more for their slave representation than "is nominated in the bond," let there be no longer any outcry against it. If you do not think so, repeal the tariff. Many of the southern members will assist you in that repeal. You have the power to secure to yourselves the benefit of every stipulation of the Constitution, and no southern man would, if he could, deny you one single guaranty therein contained. But you seem to have forgotten, that while only *three fifths* of our southern slaves are represented in this branch of Congress, *every one of your free negroes* in the North is represented. And if the insane ravings of the heartless Abolitionist could be realized, crying out, as he does, for emancipation and against slave representation, every slave then free would be represented, whereas now two out of every five have not this privilege.

Do not deceive yourselves. Do not imagine that the South will submit to unauthorized aggression. The people of the South, as would you of the North if you were the minority, will maintain their constitutional rights at every hazard. It was for these rights that they entered with you into the fearful and unequal struggle with Great Britain; and for these same rights will they enter into a struggle with you, should you force upon them the necessity. It is totally immaterial to the South whether oppression comes to them in the person of one man or of many—of a king or an unlicensed and unscrupulous majority of those

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whom they have loved as brothers. The contest with you would only be the more embittered, as from you the South had everything to expect. Preach not to us the dangers that would environ us in the event of a forced dissolution of the Union. Array not the terrors of our slaves, as was done by the member from Massachusetts, [Mr. MANN.] "Resistance to tyrants is obedience to God." A free people will never submit to oppression. They may be crushed; they may be annihilated and exterminated; but they cannot be enslaved. Read the history of the past, and you will find I am not mistaken. The fate of Moscow should be a lesson not lost upon the agitators of the present hour. A city of 300,000 souls, the capital of Russia, with its domes and its spires, its hundred churches and its thousand palaces, were all consigned, with the stately Kremlin of the Czars, to the devouring elements by its self sacrificing inhabitants, rather than it should remain the temporary receptacle of the invader of their country. This remarkable instance of self-sacrifice was the first indication of the decaying fortunes of "the Man of Destiny;" and the ashes of that noble city were hardly cold until Napoleon's sun sank in blood on the field of Waterloo. And if such was the conduct of "serfs and hereditary bondsmen," merely in preference of one Emperor over another, what think you would be the sacrifices of a free people in defence of their hearths, their altars, and their homes? Far, far distant be the day when the people of the South or of the North shall be compelled to prove they are worthy of their glorious title of "American citizens" by resisting the oppressions of their own country!

Notwithstanding the plain provisions of the Constitution recognizing slavery, the Abolitionists boast that the word slave is not used in the Constitution, and that "there can be no property in man." This is a mere dogma of theirs. It is contradicted by the Bible, by history, and by existing facts. But it might be granted, for argument's sake, without affecting the rights of the slaveholding States. This abolition dogma does not deny a right to the labor or service of man. The master has a right to the labor or service of his apprentice. The difference between this case and that of a slave is, that in the latter the service is for life. Slaveholders are not cannibals. They do not eat nor can they with impunity destroy those whom they hold in bondage. The admission of the right to the perpetual service of the slave is to the master as valuable as the right of property in the slave himself. The value of a slave depends upon the value of his service. And who denies this right to such perpetual service? Does not the Constitution of the United States expressly recognize it? Does it not recognize the laws of the States which acknowledge and enforce such right of perpetual service? What says our Constitution? "No person held to service or labor in one 'State *under the* LAWS *thereof*, ESCAPING into another, 'shall, in consequence of any law or regulation 'therein, be discharged from *such service or labor*, 'but shall be delivered up on claim of the party to 'whom such service or labor *may be due*." Art. 4, sec. 2. Are not slaves "held to service under the laws" of the slaveholding States? and does not the above provision of the Constitution of the United States expressly declare that "such service or labor is due" from the slave to his owner? The language is so plain that no honest man can doubt, and all the homilies about property in man, gotten up by Abolitionists, are mere rant and fustian; for property in the perpetual service of man, realizes the same rights to the slaveholder as property in the man himself.

The African slave in the southern States, Mr. Chairman, is happier than the African in any other condition or locality upon earth. Noah declared "God shall enlarge Japheth, and he shall dwell in the tents of Shem; and Canaan shall be his servant."—Genesis, chap. 9, 27th verse. Japheth represents the white man; Shem the red man, and Canaan the black man; and it is supposed that this passage of Scripture was fulfilled when Columbus extended the dominion of the whites by the discovery of America, when the whites dwelt in the tents of the red man or Indian, and slaves were simultaneously introduced from Africa. The realization of this curse, as it is called, or declaration of Noah, seems to be necessary to the happiness of the negro. But this is not strange, in the ways of Providence. A curse was pronounced upon Adam for eating the forbidden fruit, and it was declared that "in the sweat of his face should he eat bread." But what was denounced as a curse against Adam, is a blessing to his posterity, as constituted—Without labor, industry, and occupation, man is supremely miserable. So with the Africans. What was uttered as a curse against Canaan, the son of Ham, seems to be a blessing to his posterity. While they are happy in their labors, far more so than if they had a freedom which they are unprepared to enjoy, they confer immense benefit upon themselves and the people of this whole Union. They contribute much the greatest portion of the mighty exports of the Union. They supply the only food for the cotton-mills of the North. Every manufacturing interest is immensely benefited by them. The shoemaker, the hatter, the weaver, the plier of the needle, and every species of artisans, are fed from slave labor. Indeed, while the South has all the responsibilities of slavery, the North reaps by far the greatest advantages from it. Agriculture, commerce, and manufactures lean upon it for support. And yet this happy state of things, the Abolitionist would destroy. Having forced their slaves upon the South, when the northern States abolished slavery, as they styled it, many of these northern States now propose to confine the South and her slaves within such narrow limits, that eventually masters and slaves alike must perish. They would reënact "the horrors of the middle passage," upon the glorious and sunny fields of the South. The "middle passage" sacrificed slaves, but the proposed restriction upon the South would immolate master as well as slave upon a common altar. Your ancestors, gentlemen of the North, with British assistance, introduced slavery into this country. The South had no navigation. Slaves were brought into her harbors without her consent, and against her repeated remonstrances. When you dispensed with slavery in your own States, instead of freeing the slaves, you sent them to the South. And now it is proposed to hem them within limits continually growing less as the more northern slaveholding States may dispense with the institution, not only to their detriment and injury, but to the absolute destruction of the South. The squadrons of England and the United States,

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placed upon the African coast, have, as appears from testimony taken in the British Parliament, instead of diminishing, increased that traffic. Public sentiment, however it condemns the African slave trade, is putting under the ban these squadrons. And every attempt you may make to circumscribe the area of slavery by congressional action, will prove equally abortive. The philanthropy of the measure is hypocritical. The sympathy professed for the slave is hollow-hearted. Does the permission of slaves to go into the Territories increase their numbers? Not one. And if it did, it could only be by natural increase. And would the most inveterate Free-Soiler be willing to admit that he wished to throw fetters upon the natural increase of population? Is that their boasted humanity? Oh! shame, where is thy blush?

When you of the North wished to get rid of your slaves, you had the South to send them to. We did not prohibit you from so doing. We must now have some opening or place to send ours to, when they become too numerous, and we will have it, rely upon that. We cannot send any back to the North—you even refuse to take those whom southern liberality has emancipated. You will not have them, bond or free. Many of you would be willing to see the South sacrifice a thousand millions worth of property, and what is more than that, her very existence itself. You would produce a state of things that would compel the master to escape from his slave, instead of the slave escaping from his master, which the United States Constitution designed to prevent.

How is it proposed to effect this object? By the Wilmot proviso: I do not by any means intend to intimate that this is the object of many of the supporters of that measure. Many honorable members have given it their support from honest but mistaken views. But such must be the result of the measure of hemming within fixed limits the slave population of the South. The progress of emancipation in the older slaveholding States would of itself greatly enhance the evil of this ill-omened measure. Gradually curtailed at the North and permanently confined at the South, ruin, devastation, and death would cover as with a pall the sunlit fields of the now prosperous and happy South. And what is this Wilmot proviso, which, at first not bigger than a man's hand, for a time covered the whole political heavens with darkness, its sulphureous clouds charged with the red-hot bolts of wrath and fury! What is it that has so rocked the noble ship of State that, if not made of some divine Gophirwood, it must have gone to pieces ere this upon the raging billows? Let us look a little at its history.

The Wilmot proviso was born out of due time, on the 8th of August, 1846, having been begotten by honorable DAVID WILMOT, a member of Congress from Pennsylvania. I say it was born out of due time, because it was proposed to regulate territories which at the time did not belong to the United States, but to Mexico. It was called a *proviso*, because it commenced with the word "Provided," and read as follows:

"*Provided*, That as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime whereof the party shall first be duly convicted."

This is the origin of its *name;* and now for the probable motive of its introduction. It was offered in the House of Representatives ten days after the final passage of the celebrated tariff act of 1846. Mr. Wilmot was the only Member of Congress from Pennsylvania, Whig or Democrat, that supported that act. This tariff was denounced at the North as a southern measure, and Mr. Wilmot was fiercely assailed, particularly in Pennsylvania, as truckling to the South in his support of it. He, however, remained firm in its support, voting for it on its final passage by the House where the bill originated, until it came back from the Senate with one immaterial amendment attached to it, which amendment was moved by Mr. Webster, and only carried by the aid of Colonel Benton's vote—all the friends of the tariff of 1846 in the Senate voting against the amendment but Colonel Benton. The amendment was to strike out section 9 of the bill as it passed the House, which section provided a mode of preventing frauds on the revenue where there might be an undervaluation of any parcel, package, or quantity of goods, &c. This amendment opened the agitation of the question again in the House. The friends of the bill agreed at once, with rare unanimity, to support the amendment, for it was totally immaterial, and could, if necessary, at any subsequent time be supplied; for if they disagreed to it, and the Senate should adhere to it, and they knew Colonel Benton would not recede, the bill itself would be lost, and fall in the disagreement between the two Houses. But, lo and behold! Mr. Wilmot was found arrayed against this amendment. He first voted against postponing other business in order to dispose of this bill as amended. He then voted against the previous question on the amendment, and afterwards against the amendment itself! Only four gentlemen who voted originally for the bill in the House voted with Mr. Wilmot against the amendment, and they are, Preston King, Martin Grover, Goodyear, and Wood, all from New York, and the first two prominent coadjutors of Mr. Wilmot in his subsequent free-soil movements. Another prominent Free-Soiler, Mr. Rathbun, who had originally voted for the bill, moved to postpone it four days after it came back from the Senate. It is true that Mr. Wilmot, when a motion was made to lay the bill on the table, voted against it. But a show of consistency demanded that he should vote against laying the bill on the table. Having voted originally for the bill, he could not directly vote to kill it by laying it on the table; but if he could kill it by *indirection*, by a squabble about an amendment, his defection or inconsistency would not be so apparent. Mr. Wilmot could not have supposed that by producing a disagreement between the two Houses, and by getting a committee of conference, that he could have procured, through that committee, any higher duty on iron and coal. Such a supposition would be wholly absurd, because the only matter that the Senate and House would have disagreed about would have been the single amendment above alluded to, which related to frauds on the revenue, and not to the percentage upon coal or iron. Committees of conference can only act or consult upon those matters upon which the two Houses have disagreed. We are therefore led to the inevitable

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conclusion, "that a change had come o'er the spirit of" Mr. Wilmot's "dream" between the time the tariff bill left the House of Representatives and its return there from the Senate.

The fact is, Mr. Wilmot's election was coming on the following October, only a little more than two months off. The denunciation of his vote in favor of the bill had done its work. The charge of recreancy to the North and subserviency to the South, he began to think would defeat his reëlection. Perhaps he began to imagine by this time that the South had "seduced" him, for which practice he so eloquently denounced her in his speech here this session. If now he could only relieve himself from the dilemma of being subservient to the South, or of having been "seduced" by her, he might still save himself and secure a return to his seat. It would make clear the record which he imagined he had inconsiderately blurred. The Wilmot proviso was then thrown in by him only four days before the adjournment of that session of Congress, as an amendment to the bill giving the President control of two millions of dollars to pay, if necessary, to Mexico in concluding the war then existing with her, as a consideration for the cession on her part of New Mexico and California. It was to affect territory then the property of Mexico, and involved the insulting and anti-national proposition of making Mexico a party to the management of our domestic affairs. Mr. Wilmot was then a member of the Democratic party, a friend of the war, and a supporter of the administration of Mr. Polk. It was not believed at the time by Mr. Wilmot's friends that he intended to press this proviso. It was looked upon merely as a tub thrown out to the popular whale—as a *ruse* to secure his reëlection. But in an hour of folly some southern member gave his amendment the name of the "*Wilmot proviso*," and suddenly its author, prompted by pride, became remarkably enamored, according to a law of nature, of his own offspring. No matter how rickety or ill-shapen the bantling, human nature exacts love from its father, and shows perfection to the doting parent, where others see nothing but deformity. He has nursed it from that day to this. He deserted the cause and fortunes of that great and good man Lewis Cass, and supported an ingrate renegade from the principles and organization of the Democratic party. He deserted "the Democracy of the Union," and left "national ground," to stand upon a mere sectional platform in support of Martin Van Buren for President, and allied himself with "Eastern Federalists" in sustaining Charles Francis Adams for Vice President. At the commencement of this session he deserted that true and consistent Democrat Howell Cobb, the Democratic candidate for Speaker, and supported in his stead Mr. Root, whom he denounced as a Federalist in 1846; producing thus, with his allies, a delay of three weeks in the organization of this House. He thus boldly and shamelessly repudiated his own advice given to the Democracy of Pennsylvania in his speech on the tariff of 1846, when he said: "The sooner, in my opinion, (said Mr. Wilmot,) that the Democracy of Pennsylvania severs its alliance with 'Eastern Federalism,' and the Whig party, and, placing her interests upon high and 'national grounds,' appeals to the *Democracy of the Union* for liberality and support, the better for those interests, and far better for her republican character.' This proviso of Wilmot's is now beginning to show itself in its true colors. The lion's skin is being torn from it, and the ass begins to appear. The returning good sense of the American people and their unfaltering patriotism are about to repudiate it. They are beginning to regard it as a "Beast," and not as a "Beauty." The Senator from Missouri (Col. BENTON) has styled it *lana caprina*, or goat's wool; but I think it would be more appropriately designated or represented by the "wooly horse" lately exhibited in this city. On the canvas in front of his stall, he breathed fire through his expanded nostrils, and his neck was clothed with thunder. The spectator almost feared the sight of the wild and untamed beast. But when admitted, he was astonished to find an animal mild as a summer's morning, and gentle as a sucking dove, and he stood revealed a cheat, imposture, and humbug. That such is the destined fate of the Wilmot proviso, the signs of the times begin to warrant us in believing. In the remarks I have made upon Mr. Wilmot's conduct and motives, I have quoted the journals with strict accuracy and drawn my own conclusions from them. I sincerely believe my inferences are correct, and that they are fully sustained by the record; but of that the country will judge.

And now, sir, I wish to say something in regard to the compromise or adjustment bill pending in the Senate of the United States, and which the honorable gentleman from Tennessee [Mr. JONES] has given notice he will introduce, with some modifications, as a substitute for the bill now pending here, admitting California as a separate and distinct measure. I make these remarks now, because when the gentleman from Tennessee shall offer his substitute, debate will not be in order.

The course of policy which I conceived best to pursue for the purpose of adjusting *all* the questions in regard to slavery at one and the same time, by one bill, or different bills passed together, each one being a part of a whole, was indicated by a series of resolutions which I offered to the consideration of the House on the 18th of February last. The measures I then proposed were as follows, viz:

1. Admit California as a State, but curtail her limits, so that her southern boundary will be the Missouri compromise line of 36° 30′ north latitude.

2. Establish territorial governments for the balance of the Territories of the United States, without the Wilmot proviso, or any provisions whatsoever in regard to slavery, leaving to the people of those Territories the right of establishing or prohibiting slavery when they apply legally for admission as States of the Union.

3. Acknowledge at once the whole boundary claimed by Texas from the mouth to the source of the Rio Grande, and thence to the forty-second degree of north latitude, and after said unconditional acknowledgment, if the United States and Texas think proper, let them enter into negotiations for the cession, by Texas, of the northwestern part of her territory, for a fair consideration, provided that in such cession by Texas, it shall be stipulated, as a fundamental condition, that no legislation shall ever be had by Congress in such territory on the subject of slavery.

4. Tolerate no propositions for the abolition of

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slavery in the District of Columbia; but in regard to the subject of bringing slaves into said District merely for sale, extend the laws and policy of Maryland (from which State said District was ceded to the United States) over it, and there let the matter rest.

5. Provide more effective laws for the retapture of fugitive slaves, and renounce all pretensions, now and forever, of interfering with the slave trade between the States.

As my hour, however, is rapidly passing away, I shall have to confine myself to that portion of the compromise bill which relates to Texas. *Neither her Senators nor Representatives are authorized to pledge her to any course of action in regard to the cession or sale of any portion of her northwestern territory.* Texas makes no propositions whatever to the Government of the United States in regard to that territory. She has not done so; she will not do so. I have no doubt, however, she will entertain respectfully any reasonable propositions made to her, and decide intelligently and patriotically in regard to them. Her annexation to the United States having, through the obstinacy of Mexico, caused the war, whose acquisitions have produced the present misunderstanding between the different sections of this Confederacy, Texas is prepared to make every sacrifice on the altar of the public peace not incompatible with her honor or dignity as a sovereign State, nor of the interests of that section of the country of which she constitutes a part. She loves this Union. Her acts prove it. She struck her *own* proud flag—the "lone star"—and run up in its stead the "star-spangled banner." A sublimer instance of devotion to a Government and people is not on record. Texas will do everything she ought to do to preserve this Union, and you could not ask her to do more. She knows her rights and will maintain them. All the fanaticism of earth cannot coerce her, or wring from her one tittle of her rights. She will listen to reason; she will honor any draft of patriotism; but she will "cavil for the ninth part of a hair" if you attempt to encroach upon her.

I do not now intend to argue the boundary question of Texas. That has been ably and conclusively done by my colleagues in the Senate, and my colleague of this House, and I feel myself incapable of adding anything to what they have so well said. Besides, I have spoken at different times upon this question, and if I have hitherto failed to produce conviction, or conversion, I cannot now hope to succeed. But I will say, in passing, that Texas knows she has a perfect right to every inch of territory lying east of the Rio Grande, within her claimed limits, *as against Mexico and the United States.* She has a right against Mexico by the treaty with Santa Anna, ratified by Filisola, chief of her armies, who received the *consideration;* by the acknowledgment of the Mexican commissioners that negotiated the treaty of Guadalupe Hidalgo; and by that treaty itself, which had attached to it a map on which New Mexico is put down as lying entirely west of the Rio Grande, which treaty was ratified by Mexico herself. She has a perfect right against the United States by the joint resolutions of annexation which acknowledged that Texas owned the territory of what was once New Mexico, lying north of 36° 30′, which is north of Santa Fé; by the acknowledgment of our independence; by the treaty between the United States and Texas of 1838; by the declaration of war against Mexico; by the treaty of Guadalupe Hidalgo, and map attached thereto, above alluded to, as conclusive against Mexico; by the provision of said annexation resolutions, only giving the consent of Texas to the President of the United States and two thirds of the Senate, to settle our disputed boundary with Mexico, and consequently withholding her consent to any other mode of settlement, or with any other party; by the repeated, emphatic, and solemn acknowledgments of the late President Polk, that "the claims Texas to all the territory claimed by her east of the Rio Grande WERE WELL FOUNDED;" by the letter of Mr. Buchanan, Mr. Polk's Secretary of State, to Governor Henderson, bearing date February 12, 1847, when he said, speaking of the military government established at Santa Fé,—"Noth-'ing, therefore, can be more certain than that this 'temporary government, resulting from necessity, 'can never injuriously affect the right which the 'President believes to be justly asserted by Texas 'to the whole territory on this side of the Rio 'Grande, whenever the Mexican claim to it shall 'have been extinguished by the treaty;" and also by the instructions which Governor Marcy, Secretary of War under President Polk, gave to the commanding officer at Santa Fé, on the 12th of October, 1848, which are as follow: "In regard to 'that part of what the Mexicans call New Mex-'ico, lying east of the Rio Grande, the civil au-'thority which Texas has established, or may es-'tablish there, *is to be respected*, and *in no manner* '*to be interfered with*, by the military force in that 'department, otherwise than TO LEND AID ON PROP-'ER OCCASIONS IN ENFORCING IT." I might quote many other acknowledgments of the title of Texas to this Santa Fé country by Mr. Polk and his Cabinet, but time will not permit.

It is true that Santa Fé was the capital of the ancient Province of New Mexico, and that the people of New Mexico never consented to its transfer to Texas. If Texas should ever agree to part with any portion of her northwestern territory it would be out of generous considerations to New Mexico, in order to enable them to preserve Santa Fé their ancient capital. I believe Texas—I know I would not think for a moment of selling for any price any portion of her territory south of 36° 30′ if Santa Fé itself were not nearly a degree South of that line. Texas, if properly appealed to, would no doubt do as she would wish to be done by. But then it must be considered that what she yields is *ex gratia* and not *ex debito*, and in return for her magnanimity in making the cession, she must be placed at least on a footing with the thirteen original States of this Confederacy.

Now, sir, how stands the matter in regard to the debt of Texas? According to a report of the Auditor and Comptroller of Texas, bearing date January 1st, 1850, her debt amounted at that time to $11,055,694 71. Much of it draws from eight to ten per cent interest, so that if all the debt were included in that estimate, it will amount in a very short time to twelve millions of dollars. But owing to the inability of Texas to pay, thousands of claims exist against her, which have never been proven up. It would perhaps not be exaggerating to say, that if Texas has once the means of paying her debt, some two or three millions more of dol-

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lars will be brought forward against her. You have thus the best idea I can give you of the real amount of our debt. For some four or perhaps five millions of this debt, (I do not pretend to speak with precision, for I have not the data before me,) the custom-house revenues of Texas were hypothecated. Now, sir, although Texas at annexation agreed to pay all these debts, and although she will comply with her engagements, yet the United States is clearly legally liable for the payment of those for which the customs were pledged. The agreement between the United States and Texas cannot impair the rights of third persons, the creditors. The United States took our customs *cum onere*, subject to their hypothecation to our creditors. And as to the balance of our debt, how was it created? It was in maintaining the independence of Texas against Mexico. And that independence, sustained for ten years, terminated by annexation, in giving the United States political jurisdiction over Texas. Now, Mr. Chairman, how was it with the debts incurred by the original thirteen States in the revolutionary war, in resisting the domination of Great Britain? They were assumed and paid by the United States. And why should not the debt of Texas, also, on the same ground, be assumed and paid? The cause of their creation was precisely the same, except that Texas resisted a Mexican tyrant, and the "original thirteen" a British tyrant, and the result was precisely the same, viz: to give the United States, as one community, jurisdiction over the territory claimed by these respective States. If this reasoning be correct, then the United States is bound in justice to pay every cent of the Texas debt contracted during *her* revolutionary war, upon the same principle that she paid the debts of the States contracted during *their* revolutionary war. But it may be said that these States gave up their lands, and that Texas retained hers. It is true that Virginia and some of the other States surrendered portions of their public domain *lying, however, outside of their retained limits*, to the United States, but for great national purposes, and not in consideration of the assumption of the State debts. Pennsylvania, South Carolina, Delaware, Rhode Island, New Jersey, Massachusetts, and New Hampshire surrendered no territory to the United States, but retained and sold all they had; and yet their debts were assumed and paid by the United States. Then, sir, whatever territory Texas may cede to you from her northern domain, but for the compact of annexation would be a pure gratuity. According to strict justice and the policy pursued by the Government of the United States towards the original thirteen States, Texas is entitled to have her whole revolutionary debt paid, and retain her public domain besides. Texas, however, contracted differently; and if she sells a portion of her northern domain to the United States, she demands an amount fully sufficient to liquidate her revolutionary debt, and to be placed on the same footing with those States which formed our Confederacy.

While, then, I am not authorized to pledge Texas to any course whatsoever, or to say that she is willing to part with a single inch of her domain; and while I shall maintain her right to the whole "to the bitter end," until her people, at the ballot-box, shall signify their assent to cede any portion of it to the United States, I may, however, be permitted to say what I believe, from my knowledge of her people, she will not agree to. I then declare to this committee, that I believe it would be totally useless, and an idle waste of time, to make to Texas any propositions less favorable than the following:

1. Do not ask her to fix her northern boundary on the Rio Grande further south than the thirty-fourth degree of north latitude.

2. Pay her an amount fully sufficient to discharge her revolutionary debt.

3. Secure to her the right of the same number of States, viz: *four* south of the thirty-fourth parallel of north latitude, as was secured by the annexation resolution in the whole of the territory of the Republic of Texas, and with slavery, if the people desire it.

4. Provide a territorial government for New Mexico without the Wilmot proviso, or any restrictions against slaveholders moving into said Territory with all their property.

5. But do not organize that territorial government in New Mexico until Texas gives her assent to the propositions made to her, so that if she refuses her assent, her rights may not be in any manner impaired to the whole of the territory that she now claims.

A bill containing these propositions, I would be willing to vote for, in order to have them submitted to the people of Texas. Uninstructed as I am, it would be arrogant in me to refuse to let my constituents express their wishes upon any proposition of deep and vital import to them; provided, that if they reject it, no injury could arise to them. Indeed, I might vote for submitting propositions to the people that I myself would not vote for as one of the people at the polls. My vote, as a Representative, might be very different from my vote as a constituent. In the latter case, I must rely upon my judgment, and am responsible to no one. In the former, I am responsible to those who clothed me with place, and might well defer my individual judgment to that of the thousands who sent me here. Besides, if Texas should not agree to the terms proposed; if she did not reject them unconditionally, she would probably indicate to the United States such modification as would be acceptable to her, and thus the whole matter might be terminated by amicable negotiation.

But while I, as a Representative, am willing to tread the path of conciliation, and Texas will, whenever called upon, do her duty to herself, to the South, and to the whole Union, you of the North must give up your Wilmot provisos, your encroachments upon the rights of the South, your agitation of the slavery question, and your putting your consciences above the Constitution. You must restore our fugitive slaves, cease to interfere with slavery in this District or in the Territories, and accord to the South a full equality with the North in every political privilege. But my time has so nearly expired, that after adding a word or two more, I must conclude.

When I look abroad, Mr. Chairman, upon this great Confederacy, upon its mighty rivers and fertile fields, extending from the tempestuous Atlantic to the peaceful shores of the Pacific—when I contemplate its boundless resources and its adaptation to the support of hundreds of millions of freemen—when I view its happy form of government, capable of indefinite expansion and great duration,

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baptized in the blood of revolutionary patriots, and protected for three quarters of a century by a superintending Providence—and when I look again and see the fantastic scenes enacting here in this Hall and elsewhere, I am compelled to exclaim, in the language of the psalmist, "What is man that thou art mindful of him?" Heaven has vouchsafed to us every imaginable blessing; but in the madness of our success and triumph, we are about to cast them away, and to rend asunder that which God has joined together. When will men learn wisdom from experience? When will they be willing "to bear the ills they have," (admitting them for argument sake to be such,) rather "than fly to others that they know not of?" Is this Union to be destroyed because slavery exists within its borders? Are we of this day superior, not only in wisdom, but in virtue, to our fathers, who formed it and raised its proud pedestal upon soil watered by the blood of political martyrs and the tears of widows and orphans? I would appeal to the people of the North from their Representatives here, if it were not too late. The members of this Congress must decide the momentous questions pending, to the lasting weal or wo of these confederated States. I know there are many gentlemen on this floor from the North, of both the great political parties, who deprecate this agitation, and who despise, from the bottom of their hearts, the miserable demagogues and political tricksters who have brought this state of things upon the country. Let these men meet and enter into an agreement to support a just and equitable settlement of this matter to the satisfaction of the patriots of both sections of the Union, and terminate forever this unnatural and suicidal strife between brothers. It may now be settled, but soon the disease will be beyond all the powers of the healing art. Now is the accepted time—a month or a year hence and it may be too late forever. Some of you may be embarrassed with pledges in regard to this exciting topic. But were you not under a prior pledge to the Constitution and to the Union? Are the miserable exactions of party caucus and party machinery to weigh down and paralyze your prior duty, your hereditary obligation to save your country from destruction and death? Are there no Curtiuses from the North who are willing to throw themselves into the breach to preserve their country in this the hour of her tribulation and anguish? And has it come to this? Has the age of noble blood passed away forever? Are we so degenerate as to prefer our miserable selves, our paltry places and petty positions, to the preservation of liberty and the perpetuation of our constitutional birthright? But you will not fall if you do your duty. The masses are sick and tired of our wrangling; they are alarmed for their safety. There is an intelligence, a patriotism, and a love of Union amongst the American people, that will sustain the honest and independent Representative in the discharge of his constitutional duties. Their condemnation will be visited upon the heartless demagogues who have deceived and betrayed them, and now hold them on the very brink of the precipice of disunion. And those Representatives who go forth and hold aloft the banner of the Constitution and the Union as it is, as it was made by our fathers, will call around them the millions who are now reposing in safety under their mighty ægis. If necessary, let the old distinctions of party for the moment be forgotten. Let the question of our existence first be settled. Let a party this day, this hour, be formed to be called Constitutionalists, and let every true friend of the Union and Constitution attach themselves to it, and, if necessary, not only without reluctance but with alacrity, sacrifice themselves in its defence, and all will be well. Let the motto of this party be, the exercise by Congress of no powers not expressly delegated by the Constitution. With this motto strictly adhered to, our blessed Union will last forever, or at least until it has irradiated the world with its meridian effulgence, and until the nations of the earth, if they have not tasted of the cup of freedom, shall at least have had a Pisgah's view of that promised land, which may result in their, or their children, eventually entering and partaking of the incalculable sweets that bless and hallow it.

I appeal to you, then, my fellow members, to step forward and discharge fearlessly your duty to your country. Not only are the people of the United States anxiously awaiting our action here, but the whole civilized world is looking on with the deepest and most intense interest. Not only does the Genius of Liberty, from her elevated place over your Speaker's chair, silently point to us, with scroll in hand, and solemnly warn us into the path of duty; but over the main entrance to this Hall we see represented Clio, the Muse of History, with pen in hand, mounted upon the chariot of Time, taking note of the events which daily transpire here. She seems to be averting her face from the page of the present!—Oh! may it not be ominous of events, *unworthy of record*, about to transpire in this sacred hall of freedom! But may our action be such that she will be enabled, out of the events of this session, to fill the brightest page of human history—that which records the triumph of a free people over themselves, their passions, and their prejudices. How solemn and impressive the lesson intended to be taught us by this instructive and admonitory symbol? Our acts and conduct here will not pass unnoticed. They will be transmitted to distant generations, and ages after we have passed to "the house prepared for all living," will our memories be blessed or cursed in proportion as our acts have blessed or cursed our country. May Heaven enlighten our judgments, purify our motives, and "deliver us from evil," and may each one of us so act as to transmit to his children, and to posterity, the rich legacy of a pure and a patriot name!

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